

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
MAY 10, 2011

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**Present:**

Caroline Murphy, Mayor  
Chad Bockius, Council Member  
Bill Goodwin, Council Member  
Mike Murphy, Council Member

**Absent:**

Jack McCool, Mayor Pro Tem  
Bob Dorsett, Jr., Council Member

**City Staff:**

Frank Salvato, City Administrator  
Travis Askey, Deputy City Administrator  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Russell Pancoast, Police Chief

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:52 p.m. on Tuesday, May 10, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

There were not any citizen comments at this time.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on April 26, 2011.
- B. Consider approval of a Proclamation for Law Enforcement Week.

**MOTION:** A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye:	Council Members Goodwin and Murphy
Voting Nay:	None
Absent:	Mayor Pro Tem McCool and Council Member Dorsett
Abstain:	Council Member Bockius

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 86, an ordinance amending the zoning in accordance with the existing Spillman Ranch Planned Development Agreement for Spillman Ranch Phase 1, Section 9 (The Groves)**

Mayor Murphy opened the public hearing at 6:54 p.m.

With no testimony from the public, the hearing closed at 6:55 p.m.

City Attorney Patty Akers reported there have been a few changes to the development from what had been approved in the original development agreement. Most of the changes will be reflected in a concept plan which will mirror the preliminary plat that was already approved but will include the tree plan, building setbacks, street width and elevations.

One change in the redline version is that the Developer has asked that the building elevations not be limited to just what was previous submitted but will include those types of building elevations. There will be zero lot lines on some of the lots but these were depicted in the preliminary plat.

Don Walden, Developer, was present at the meeting to answer questions.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the redlined version of Ordinance No. 86 with the understanding that the project will include zero lot lines and the building elevations submitted are indicative of the types and styles of buildings the developer intends to build but are not necessarily limited to those submittals.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Bockius, Goodwin and Murphy  
Voting Nay: None  
Absent: Mayor Pro Tem McCool and Council Member Dorsett

The motion carried.

**Discuss and consider action on Resolution No. 2011-02 authorizing publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation.**

City Administrator Frank Salvato presented this item.

Bond Counsel Tom Pollan and Financial Consultant Chris Lane were present at the meeting and answered questions.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve Resolution No. 2011-02 authorizing publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation for an amount not to exceed \$2.5 million with the understanding that the City can hopefully get by with \$2 million.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Bockius, Goodwin and Murphy  
Voting Nay: None  
Absent: Mayor Pro Tem McCool and Council Member Dorsett

The motion carried.

**Discuss and consider action authorizing staff to seek sealed bids for Bee Cave Parkway Phase IIIB.**

Mr. Salvato reported on this item.

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to authorize the staff to seek sealed bids for the construction of Bee Cave Parkway Phase IIIB.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Bockius, Goodwin and Murphy  
Voting Nay: None

Absent: Mayor Pro Tem McCool and Council Member Dorsett

The motion carried.

**Discuss and consider action to approve ranking of Construction Manager-Agent firms and to authorize city staff to negotiate a contract with the highest ranked firm but if a contract cannot be negotiated, the city will continue negotiations with each subsequently ranked firm until a successful contract is negotiated.**

Mr. Salvato reported on this item.

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Goodwin, to approve the ranking of the Construction Manager-Agent firms and to authorize city staff to negotiate a contract with the highest ranked firm (Gallagher Construction Services) but if a contract cannot be negotiated, the city will continue negotiations with each subsequently ranked firm until a successful contract is negotiated.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Bockius, Goodwin and Murphy  
Voting Nay: None  
Absent: Mayor Pro Tem McCool and Council Member Dorsett

The motion carried.

**Discuss and consider action on Ordinance No. 87, an ordinance relating to a franchise fee charged by Time Warner Cable for Public, Educational and Government Access Channels (PEG).**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve the redlined version of Ordinance No. 87 removing the 1% fee for the PEG channel.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Bockius, Goodwin and Murphy  
Voting Nay: None  
Absent: Mayor Pro Tem McCool and Council Member Dorsett

The motion carried.

### **Executive Session**

The City Council closed the Open Session at 7:32 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. LCRA Rate Case litigation
- B. Consultation with attorney regarding litigation filed against City and Reit Management & Research Trust by Rod-Ave, L.P.
- C. Consultation with attorney regarding litigation relating to the TCEQ's Executive Director's petition that recommends that land within the jurisdiction of the City be included in a ground water district within the Hill Country Priority Groundwater Management Area.
- D. Consultation with Attorney regarding franchise agreement with Austin Energy.
- E. Consultation with Attorney regarding acquisition of LCRA water/wastewater systems.
- F. Consultation with City Attorney regarding authority of city to enforce building, sign and development ordinances and possible litigation with business desiring to open adult novelty store.
- G. Consultation with Attorney regarding the acquisition of primitive parkland owned by Falconhead West, L.P.

The City Council closed the Executive Session at 9:33 p.m. and reconvened in Regular Session in the Council Chambers.

### **Discuss and consider action on franchise agreement with Austin Energy.**

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Murphy, to continue this item until the next meeting.

The vote was taken on the motion with the following result:

Voting Aye:	Council Members Bockius, Goodwin and Murphy
Voting Nay:	None
Absent:	Mayor Pro Tem McCool and Council Member Dorsett

The motion carried.

**Adjournment**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Bockius, Goodwin and Murphy  
Voting Nay: None  
Absent: Mayor Pro Tem McCool and Council Member Dorsett

The motion carried.

The City Council adjourned the Regular Session at 9:34 p.m.

PASSED AND APPROVED this 24<sup>th</sup> day of May, 2011.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary  
[SEAL]